The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

HIGH MAINTENANCE BITCH, LLC, a Washington LLC,

Plaintiff,

v.

UPTOWN DOG CLUB, INC., a Texas Corporation

Defendants.

Civil Action No. C07-0888-RSL

DECLARATION OF LISA WOODY IN SUPPORT OF DEFENDANT'S MOTION AND MEMORANDUM TO DISMISS FOR LACK OF PERSONAL JURISDICTION PURSUANT TO CIVIL RULE 12(B)(2) AND IMPROPER VENUE, OR ALTERNATIVELY, TO TRANSFER AND FOR PLAINTIFF TO PROVIDE A MORE DEFINITE STATEMENT

Lisa Woody states and declares as follows:

1. I make this declaration in support of Defendant's Motion And Memorandum To Dismiss For Lack Of Personal Jurisdiction Pursuant To Civil Rule 12(B)(2) And Improper Venue, Or Alternatively, To Transfer And For Plaintiff To Provide A More Definite Statement. I have personal knowledge of the facts set forth in this declaration.

2. Uptown Dog Club, Inc. ("Uptown Dog") is a home-based Texas company that sells pet related products. I am the President and Marketing Director of Uptown Dog. My mother, Elaine Bennett, is the Vice President and Director of Operations of Uptown Dog.

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3. Uptown Dog is a corporation organized and existing under the laws of Texas, with its principal place of business at 9188 Chivalry Court, Frisco, Texas, 75034 -- the home of Ms. Bennett. It was founded and is operated Elaine Bennett and me. Uptown Dog has only two part-time employees, who also reside in Texas.

4. Uptown Dog does not manufacture any of its own products, but rather, only sells products supplied to it by third parties, which also do not reside in Washington.

5. Uptown Dog has never had or designated an authorized agent or representative in Washington for service of process or otherwise.

6. Uptown Dog has never owned, possessed, controlled, leased, maintained, or operated any office, residence or business of any kind in Washington.

7. Uptown Dog has never maintained any bank or savings and loan accounts in Washington.

8. Uptown Dog's representatives have never traveled to Washington.

9. Uptown Dog has never directed advertising specifically toward residents or companies located in Washington, nor has it ever advertised in any publication directed primarily toward Washington.

10. Uptown Dog did not conduct any business solicitations in Washington.

11. Uptown Dog does not pay taxes to the State of Washington, does not maintain any address or possess any real estate in Washington, does not maintain a telephone number in Washington, and does not manufacture a product in Washington.

12. It would be extremely burdensome for Uptown Dog to litigate in Washington.

13. Uptown Dog does not have the financial resources to litigate in a distant forum.

14. All of Uptown Dog's personnel, documents, inventory, and facilities are located in Texas.

15. Ms. Bennett, the vice president of Uptown Dog, is 64 and uses a walker for mobility. As a result, it would be extremely burdensome for her to travel to Seattle or elsewhere in Washington to participate in any part of these proceedings.

16. Elaine Bennett and I, the co-founders of Uptown Dog, are most familiar with the marketing of the Uptown Dog's products.

17. All of Uptown Dog's records are located in Texas.

18. Prior to filing this lawsuit, High Maintenance Bitch never communicated with Uptown Dog. Uptown Dog is unclear on which items are actually accused of infringement.

19. Based upon news reports, I believe that the feather boa dog collars are the accused products. Uptown Dog delivered a total of 22 feather boa dog collars. The cost of the boa dog collars is between $12.49 and $16.99 depending on the size of the collar. Uptown Dog has ceased selling these boa dog collars since the filing of this lawsuit.

20. Uptown Dog does not have any record of selling any product to High Maintenance Bitch.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this __th day of July, 2007, in ____________, Texas.

____

Lisa Woody

15. Ms. Bennett, the vice president of Uptown Dog, is 64 and uses a walker for mobility. As a result, it would be extremely burdensome for her to travel to Seattle or elsewhere in Washington to participate in any part of these proceedings.

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20. Uptown Dog does not have any record of selling any product to High Maintenance Bitch.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 13th day of July, 2007, in Frisco, Texas.

Lisa Woody

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of July, 2007, the foregoing Declaration of Lisa Woody in Support of Defendant's Motion and Memorandum to Dismiss for Lack of Personal Jurisdiction Pursuant to Civil Rule 12(B)(2) and Improper Venue, or Alternatively, to Transfer and for Plaintiff to Provide a More Definite Statement was filed with the Court using the CM/ECF system which will send notification of such filing to the following:

- Daniel M Bronski
  Veri Trademark
  danny@veritrademark.com
  Attorneys for High Maintenance Bitch

Executed on July 24, 2007.

/s/ Steven P. Fricke